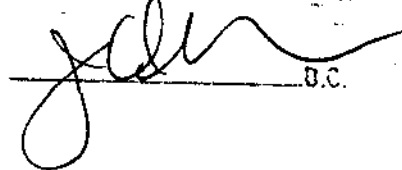


IN THE SEVENTH CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE
AT NASHVILLE
(PROBATE DIVISION)

FILED

2011 FEB 15 PM 3:35

RICHARD B. ROOKER, CLERK



D.C.

No. 10P-1322

IN RE: CONSERVATORSHIP OF

JEWELL TINNON,

Respondent.

KIM PATRICK and TERRY PATRICK,

Petitioners.

INTERIM REPORT OF GUARDIAN AD LITEM

Comes now DAVID A. DEAROLF, the duly court-appointed Guardian *ad Litem* for the Respondent, JEWELL TINNON, and respectfully submits the following Interim Report to this Honorable Court:

Summary of Procedural Status of the Case:

1. This cause was commenced by Petitioners, Kim Patrick and Terry Patrick, by the filing of an Emergency Petition to Appoint Temporary Conservator and Application for Restraining Order on August 24, 2010. On that date, this Honorable Court conducted an *ex parte* hearing and appointed the Petitioners as Temporary Co-Conservators of the person and property of the Respondent, Jewell S. Tinnon. Further, the Court entered a Restraining Order against Beverly Chatman and Michael Chatman, friends of the Respondent, pending subsequent Orders; and the Court appointed a Guardian *ad Litem* pursuant to T.C.A. Section 34-1-107.

2. The Respondent was served with a copy of the Petition and Notice of the Hearing by the Guardian *ad Litem* on September 9, 2010. The Service Return was completed on September 14, 2010; and the initial hearing was set on Wednesday September 22, 2010.

3. On September 16, 2010, Karl D. Warden, Attorney at Law, filed a Motion to Appear as Attorney *ad Litem* and for a Continuance. During an *in camera* conference on September 22, 2010 which was presided over by Judge Kennedy and attended by counsel for Petitioners, the Guardian *ad Litem* and the prospective Attorney *ad Litem*, respectively, the Court was apprised of various unresolved issues relating to Respondent's finances, medical condition, living arrangement and residential placement, bank records, visitation problems and the absence of a proposed Property Management Plan. Immediately after the *in camera* conference, the Court conducted an open hearing wherein the Attorney *ad Litem* was appointed and charged with obtaining an independent medical examination for the Respondent; and the Respondent's friend, Ms. Margie Inman, addressed the Court and expressed her desire to be appointed as Conservator; and a hearing was set on Thursday December 2, 2010.

Further, on September 22, 2010, the Court issued oral instructions to Margie Inman, Beverly Chatman and Michael Chatman, which were later reduced into a written Order, whereby each of them was restrained and ordered "to not discuss this Conservatorship, financial issues, her [Respondent's] house, and her placement at any facility with Jewell Tinnon." (Emphasis added.) [See "Order" entered on or about October 6, 2010.]

4. On or about November 15, 2010, the Attorney *ad Litem* escorted the Respondent to the office of Stephen J. D'Amico, M.D., of Cornerstone Medical Group, P.C., 2001 Mallory Lane, Suite 302, Franklin, Tennessee 37067, where the Respondent underwent a court-ordered medical examination. Pursuant to T.C.A. Section 34-13-105, a sworn "Report of Physician" was prepared by Dr. D'Amico and later submitted to the Court as an exhibit by the Attorney *ad Litem* on or about November 30, 2010. [See "Notice of Filing" and copy of the sworn "Report of Physician" which were filed by the Attorney *ad Litem* on or about November 30, 2010.]

According to the aforementioned "Report of Physician" prepared by Dr. D'Amico, the nature of Respondent's disability was characterized as *"memory loss consistent with Alzheimer's type Dementia and vascular disease"*. Further, Dr. D'Amico indicated that the Respondent *"needs care 24/7 because of being non ambulatory, her judgment problems and memory loss"*.

Most significantly, Dr. D'Amico has stated that the Respondent will require continued medical treatment and that Respondent is in need of a Conservator to act on her behalf as a fiduciary in order to attend to her physical well-being, handle her financial affairs, consent to medical treatment and consent to relocation, respectively.

5. On December 2, 2010, the date set for the hearing of this cause, the Attorney *ad Litem* filed and served an Answer to the instant Petition on behalf of the Respondent. The Answer stated Respondent's opposition to a conservatorship over her person and her property; her objection to the appointment of the Petitioners, Kim Patrick and Terry Patrick, as her conservators; and alternatively, her request that either Margie Inman or the Greater Nashville Regional Council be appointed as her Conservator in the event the Court determined that a conservatorship was necessary.

6. On December 2, 2010, the Court conducted a hearing and determined that the Greater Nashville Regional Council would be appointed as Temporary Conservator on behalf of the Respondent pending further orders of the Court. The Court also ordered that the Petitioners, Kim Patrick and Terry Patrick, were to do the following: turn over all accounts and copies of all records concerning the Respondent to the Greater Nashville Regional Council; make a final accounting to the Court within thirty (30) days; and immediately surrender any and all keys to Respondent's residence to the Attorney *ad Litem*.

7. On December 3, 2010, an Order reflecting the instructions issued by the Court at the conclusion of the hearing on December 2, 2010 was signed and entered by Judge Kennedy. Pursuant to said Order, the Petitioners, Kim Patrick and Terry Patrick, were specifically required to make their final accounting to the Court on or before Monday January 3, 2011; and further, this matter was rescheduled for hearing on Thursday January 20, 2011. **[See "Order" entered on December 3, 2010.]**

8. On January 20, 2011, the date set for the hearing of this cause, the Attorney *ad Litem* filed and served a Motion to Continue on behalf of the Respondent. The Motion stated that the Petitioners, Kim Patrick and Terry Patrick, had failed and refused to comply with the

previous Orders of this Court, and consequently, that issues relating to the Respondent's bank records, financial status, insurance policies and final accounting remained unresolved.

Specifically, the Petitioners, Kim Patrick and Terry Patrick, had not filed a final accounting within the time ordered by the Court, (*ie.* on or before January 3, 2011), thereby hindering the Guardian *ad Litem* in reporting the Respondent's financial condition to the Court; and further, Petitioners had failed and refused to surrender the keys to Respondent's home to the Attorney *ad Litem*, thereby causing Mr. Warden to incur unnecessary expenses for the services of a locksmith to gain entry to the residence and for the cost of the replacement of the locks.

As an additional basis in support of the Attorney *ad Litem*'s Motion to Continue, it was disclosed that on January 19, 2011 the Attorney *ad Litem* had "*been contacted by Margie Inman, who may be a relative of Respondent, and who now seeks to be the Conservator for Ms. Tinnon at the request of Ms. Tinnon*", and further, "*Ms. Inman has informed Counsel that she will be unable to attend today's scheduled hearing.*" (Emphasis added.) [See "**Motion to Continue**" filed on or about January 20, 2011.]

9. On January 20, 2011, the Court conducted a hearing and determined that the Petitioners, Kim Patrick and Terry Patrick, had failed or refused to make a timely final accounting to the Court in accordance with the previous Order of the Court entered on December 3, 2010. Accordingly, on or about January 21, 2011, the Court entered an Order requiring the Petitioners, Kim Patrick and Terry Patrick, to appear on February 2, 2011 and show cause why they should not be held in willful contempt for failing to comply with the previous Court Order. [See "**Order to Appear and Show Cause**" entered on or about January 21, 2011.]

10. As a result of the hearing on January 20, 2011, the Court also approved and entered an Order expanding the authority of the Temporary Conservator, Greater Nashville Regional Council, to make financial, placement, contractual and property decisions on behalf of the Respondent, and setting this matter for final hearing on Tuesday March 1, 2011 at 1:30 P.M. [See "**Order Expanding Authority of Temporary Conservator and to Set for Final Hearing**" entered on or about January 28, 2011.]

11. On Tuesday February 1, 2011, your Guardian *ad Litem* received service copies of a Notice of Detailed Final Accounting, Detailed Final Accounting of Petitioner Kim Patrick, and Detailed Final Accounting of Petitioner Terry Patrick, respectively, via certified U.S. mail, from the office of counsel for Petitioners, R.A. Stewart, Esquire. It is especially noteworthy that the aforementioned accounting documents were received on the eve of the Show Cause hearing scheduled on Wednesday February 2, 2011, and that the Detailed Final Accounting forms submitted by Petitioners, Kim Patrick and Terry Patrick, were not signed by either of the Affiants, and the forms were not duly notarized by a Notary Public. [See **“Detailed Final Accounting of Petitioner Kim Patrick” and “Detailed Final Accounting of Petitioner Terry Patrick, respectively, filed on or about January 28, 2011.”**]

In addition, the Notice of Detailed Final Accounting provided by Petitioners erroneously indicated that the Personal Representatives of the estate intended to pass accounts before the Clerk of the Probate Court on Wednesday February 9, 2011 at 1:00 P.M. Your Guardian *ad Litem* contacted the Probate Master, Robert Bradshaw, and he verified the review date specified on the Notice was not correct and that the accounting would not be reviewed for thirty (30) days or more. [See **“Notice of Detailed Final Accounting” filed on or about January 28, 2011.**]

More importantly, the documents supporting the accounting provided by the Petitioners, Kim Patrick and Terry Patrick, do not adequately and properly account for all of the Respondent’s funds which were received and disbursed. After inspecting the documents, your Guardian *ad Litem* concluded that at least \$575.00 of Respondent’s money was withdrawn from her bank account without any sufficient explanation. As a result, it is likely that an “Objection to Accounting” will be filed on behalf of the Respondent by the Guardian *ad Litem*, the Temporary Conservator, and/or the Attorney *ad Litem*, respectively.

12. On February 2, 2011, the Court conducted a Show Cause hearing to determine whether or not the Petitioners, Kim Patrick and Terry Patrick, would be held in contempt for their previous failure to file a timely and appropriate accounting. Your Guardian *ad Litem* chose not to attend the Show Cause hearing and that decision was primarily motivated by the desire to

prevent causing the Respondent's estate to incur additional and avoidable legal expenses. Further, it was your Guardian *ad Litem*'s understanding that the Petitioners were the object of the Show Cause proceedings, and that the Probate Master would not be formally reviewing the accounting for another thirty (30) days or more. It was presumed that the accounting could be analyzed and the information included in the Report of the Guardian *ad Litem* to be submitted well in advance of the anticipated final hearing scheduled on Tuesday March 1, 2011.

However, based upon the terms in the proposed Order arising from the Show Cause hearing, and the information and statements regarding the Show Cause hearing later provided to your Guardian *ad Litem* by both the Attorney *ad Litem* and counsel for the Temporary Conservator, respectively, it is apparent that the Court was somehow given incorrect, misleading and/or false information concerning the disposition of Respondent's bank records and financial documents. In order to clarify this matter, your Guardian *ad Litem* would state to the Court that the Petitioners, Kim Patrick and Terry Patrick, have never personally or directly furnished any of the Respondent's bank records or financial documents whatsoever, whether original or copies, to your Guardian *ad Litem*. Any contrary representations previously made to this Court are untrue.

In fact, the only bank records which your Guardian *ad Litem* has been able to obtain independently throughout the course of this matter are specifically described as follows:

a. On September 21, 2010, Ms. Lindsey Arnold of U.S. Bank sent a three (3) page fax consisting of a cover letter and copies of two (2) transactions, to wit: a counter withdrawal made by Petitioner Terry Patrick for \$900.00 on September 7, 2010, and a counter withdrawal made by Petitioner Kim Patrick for \$360.00 on September 17, 2010, respectively. It should be noted by the Court that, upon information and belief, Petitioner Terry Patrick did not have signatory privileges on the subject account at the time of the foregoing counter withdrawal.

b. On September 21, 2010, Ms. Brenda Wilson at the law office of R.A. Stewart, sent a forty-five (45) page fax consisting of a cover letter, a Notice of Filing and forty-two (42) pages of Respondent's bank records, including copies of statements and cancelled checks relating to Account No. [REDACTED] and/or Account No. [REDACTED], respectively.

In accordance with the proposed Order arising from the Show Cause hearing on February 2, 2011, your Guardian *ad Litem* forwarded copies of all the bank records described in the previous paragraph Nos. 12a. and 12b. to A. Michelle Poss, Esquire, Counsel for Temporary Conservator, on Friday February 11, 2011.

Moreover, any other bank or financial records in the possession of your Guardian *ad Litem* to date are merely service copies of documents which were initially obtained or acquired by either the Attorney for the Petitioners or the Attorney for the Temporary Conservator, and thereafter forwarded to your Guardian *ad Litem* along with correspondence, as follows: A copy of a letter dated January 5, 2011 sent from R.A. Stewart, Attorney for Petitioners, to A. Michelle Poss, Attorney for Temporary Conservator, along with fourteen (14) pages of copies of the Respondent's insurance and financial documents. The foregoing correspondence was furnished to your Guardian *ad Litem* by Ms. Poss after the hearing on January 20, 2011. In addition, the previously mentioned service copies of the Detailed Final Accounting of Petitioners, with attached supporting documents, which were filed with the Probate Court Clerk on or about January 28, 2011, and which were furnished to your Guardian *ad Litem* by Mr. Stewart via certified U.S. mail on February 1, 2011.

13. The instant Interim Report of Guardian *ad Litem* was prepared in accordance with the terms of the proposed Order arising from the Show Cause hearing on February 2, 2011. This Interim Report is not all-inclusive, and it is anticipated that the Final Report of Guardian *ad Litem* will contain additional information which may further assist the Court in the resolution of this matter.

14. The final hearing of this cause is presently scheduled to take place on Tuesday March 1, 2011 at 1:30 P.M. in the Davidson County Seventh Circuit Court, Probate Division, which is located on the Sixth Floor of the Historic Metropolitan Courthouse in Nashville, Tennessee.

Findings:

15. The Respondent, Jewell S. Tinnon, is a widowed, adult female; she is eighty-one (81) years of age; and her date of birth is February 2, 1930. The Respondent's permanent residential address is 1301 Southside Circle, Nashville, Davidson County, Tennessee 37212. However, Respondent is currently receiving long-term in-patient institutional care at The Donelson Place Care & Rehabilitation Center, 2733 McCampbell Avenue, Nashville, Tennessee 37214. The Attorney *ad Litem* for Respondent is Karl D. Warden, Esquire, 214 Second Avenue North, Suite 103, Nashville, Tennessee 37221.

16. The Petitioners, Mr. Kim Patrick and Mr. Terry Patrick, respectively, are purportedly the grandsons of your Respondent. Mr. Kim Patrick and his wife, Taquita Patrick, reside at 3109 Curtis Street, Nashville, Tennessee 37218; and Mr. Terry Patrick resides at 3110 Curtis Street, Nashville, Tennessee 37218. The Attorney for Petitioners is R.A. Stewart, Esquire, 1223 Fifth Avenue North, Nashville, Tennessee 37208.

17. With the exception of the Petitioners, the only other known remaining closest living relative of your Respondent is Ms. JoAnn Gaye, sister of the Respondent, who resides at 4108 Elena Way, Woodstock, Georgia 30188.

18. The Respondent's friends, Mr. Michael Chatman and Mrs. Beverly Chatman, respectively, are Husband and Wife, and they reside at 1865 Lakewood Village Drive, Antioch, Tennessee 37013.

19. The Respondent's friend, Ms. Margie Inman, is possibly the niece of your Respondent, and she resides at 939 Sharpe Avenue, Nashville, Tennessee 37206.

20. The District Public Conservator is Ms. Kim Hale, and she is employed to act on behalf of the Temporary Conservator, the Greater Nashville Regional Council, 501 Union Street, Sixth Floor, Nashville, Tennessee 37219. The Greater Nashville Regional Council, is represented by A. Michelle Poss, Esquire, of the Law Office of Sobel, Poss & Moore, PLLC, 201 Fourth Avenue North, Suite 1450, Nashville, Tennessee 37219.

21. The court's case file indicates the Office of the Probate Court Clerk forwarded a Notice of Hearing and service copy of the Petition to each of the aforementioned interested parties whose addresses were known, via Certified U.S. Mail, Return Receipt Requested, on or about August 25, 2010. At the time of the preparation of this Interim Report, it had not been determined whether or not all of the Certified Mail Return Receipts had been returned to the Office of the Probate Court Clerk.

22. The Respondent's family and social history, including the nature and extent of her present illness and physical condition, are briefly summarized as follows:

Prior to the circumstances giving rise to this cause of action, the Respondent was a retired widow, living independently in her private residential home located at 1301 Southside Circle, Nashville, Tennessee 37212. Respondent purchased the home and real property, consisting of approximately 0.27 acres, together with her deceased husband, Ervin Tinnon, on July 29, 1975 for \$24,600.00. It is reported that Respondent had been employed throughout her life as a domestic worker and cook prior to her retirement.

According to records reviewed by your Guardian *ad Litem* at the Office of the Davidson County Register of Deeds on September 15, 2010, the Respondent's home was last assessed for property tax purposes on or about January 1, 2009. At that time, the land was valued at \$50,000.00 and the home was valued at \$100,200.00, for a total appraised value of \$150,200.00. The annual 2010 property taxes of \$1,192.43 are not due until February 28, 2011. Further, there were not any liens of record, nor any outstanding mortgage balances, reflected by the Register's records. The Respondent has advised that she owns the subject residence exclusively and that the home has been "*paid off in full*".

Based upon the limited medical information made available to your Guardian *ad Litem*, it appears that on or about April 7, 2010 the Respondent was voluntarily admitted to the Donelson Place Care & Rehabilitation Center in order to receive rehabilitative therapy and treatment for unspecified "muscle weakness" which rendered Respondent wheelchair bound and incapable of adequately caring for herself. The Respondent's attending physician at Donelson Place, Ernest

K. Johnson, M.D., initially diagnosed Respondent as suffering with various conditions which included "Dysphagia", "Hypertension", "Hyperthyroidism" and "Stage IV Chronic Renal Insufficiency". Respondent's prescription medications have included: Trazedone, Levothyroxine-Synthroid, Amlodipine-Benazepril, Docusate Sodium, Ferrous Sulfate, Lisinopril, Nitroglycerin and Aspirin.

The previously mentioned "Report of Physician" prepared by Stephen J. D'Amico, M.D., on November 15, 2010, also confirms that the Respondent suffers from several age-related conditions which include "Dementia", "Memory Loss", "Anemia", "Congestive Heart Failure", "Gait Abnormality", "High Cholesterol", "Hypertension", "Chronic Renal Failure", "Obesity", "Osteoarthritis", "Urinary Incontinence", "Anxiety" and "Hypothyroidism". **[See the "Report of Physician" which was filed by the Attorney *ad Litem* on or about November 30, 2010.]**

According to Dr. D'Amico, the Respondent has also exhibited poor judgment along with symptoms of dementia and memory loss which indicate that Respondent requires "round the clock" care and supervision, as well as assistance with normal and routine activities of daily living. Dr. D'Amico has indicated that although Respondent's mental condition may be characterized as "good", her physical condition, social condition, adaptive behavior, social skills and the impact of current living conditions on her disability can only be characterized as "fair". Most significantly, Dr. D'Amico has stated that Respondent will require continued medical treatment and that Respondent is in need of a Conservator to attend to her physical well-being, handle her financial affairs and consent to medical treatment, respectively.

23. During the recent year, Respondent exercised poor judgment and decision making by allowing others to manage her personal and financial affairs without taking appropriate measures to safeguard and preserve her assets. Although no specific allegations of improper conduct or gross mismanagement have been established, the records previously provided by Petitioners' counsel reflect that banking transactions were made by Mr. and/or Mrs. Chatman on behalf of the Respondent which failed to sufficiently document the actual use of the funds disbursed. At the onset of this cause, Mr. and Mrs. Chatman expressed their great personal

concern for the welfare of the Respondent as well as their willingness to act as fiduciaries for the Respondent. However, the previous Order of the Court restraining Mr. and Mrs. Chatman from visiting and coming about the Respondent has understandably caused them to alter their opinion. Mr. and Mrs. Chatman remain concerned about the Respondent, but they no longer wish to be considered as possible fiduciaries in this matter.

24. At the commencement of this cause, the Petitioners, Kim Patrick and Terry Patrick, were appointed by the Court to serve as Temporary Co-Conservators over the person and estate of the Respondent. However, during the course of this matter the Petitioners have not maintained adequate records of their activities conducted on behalf of the Respondent; and the Petitioners have indicated, through counsel, that they no longer wish to be considered as possible fiduciaries in this matter. On or about December 3, 2010, the Court entered an Order designating the Greater Nashville Regional Council as substitute Temporary Conservator for the Respondent.

25. Based upon the allegations set forth in the original Petition, information obtained by your Guardian *ad Litem*, and the statements of the Respondent, respectively, it appears that the Respondent has a modest financial estate that has been reduced by questionable means within the last year. The information obtained to date indicates that the Respondent owns an improved parcel of real property and a home, a 1995 Pontiac Grand Am automobile and various items of personal property, furniture, clothing and effects of nominal value.

26. With respect to Respondent's financial estate, it is reported that she has an interest in the following open account at U.S. Bank in Nashville, Tennessee:

Personal Representative Checking Account No. [REDACTED] This account was opened by Temporary Conservator, Kim Patrick, on August 26, 2010 and the initial deposit was \$1,872.88 according to information provided by Ms. Lindsay Arnold of U.S. Bank. Due to the absence of documentation from U.S. Bank, the most recent information available indicated the account had a balance of \$1,613.50 on September 21, 2010. After the Petitioners were appointed by the Court to serve as Temporary Conservators on August 24, 2010, the Respondent's previous account at U.S. Bank was closed and the proceeds of \$1,872.88 were used to open this account.

27. Respondent is retired after being employed most of her adult life as a domestic worker and cook. The Respondent reports that her income consists of Social Security disability benefits of approximately \$800.00 per month and a Veterans Administration pension of \$402.00 per month. Respondent reportedly has her medical expenses partially paid through Medicare health coverage. It is anticipated that the proposed Conservator will rely upon Respondent's pension income and government benefits in order to provide necessary financial resources for her long-term care, residential placement, medical treatment, medical expenses and living expenses. However, at the time of the preparation of this Report, a Property Management Plan had not been submitted to the Court for review and approval.

28. On Thursday September 9, 2010, your Guardian *ad Litem* went to The Donelson Place Care & Rehabilitation Center in order to conduct an initial meeting and to confer with the Respondent regarding the instant Petition, to serve Respondent with a copy of the Petition and to advise her of her legal rights. Your Guardian *ad Litem* obtained and reviewed the medical file and case history compiled by the Donelson Place Care & Rehabilitation Center medical staff; and thereafter, conferred with the Respondent to discuss the circumstances which had resulted in her admission to the facility. The Respondent was able to communicate and speak; however, she did not seem to fully understand and appreciate the explanation and information provided to her about this matter, including the fact that her grandsons, Mr. Kim Patrick and Mr. Terry Patrick, respectively, were seeking to be appointed as her Conservator. Respondent was adamant in contending that she felt her grandsons were *"trying to take my home and everything I have away from me so they can sell it and pay off their own mortgage"*. Respondent indicated that she did not believe the conservatorship was necessary and that she wanted to simply take care of herself and return to her home. Respondent displayed some symptoms of confusion, poor memory and poor insight into her circumstances. Most significantly, Respondent displayed signs of agitation and irritation, and spoke about her mistrust and anger towards her grandsons. Consequently, Respondent indicated that she wanted to contest the need for the appointment of a fiduciary to serve as her Conservator.

29. Since the initial conference with the Respondent, your Guardian *ad Litem* has held several conferences with Respondent during court appearances and during visits to Donelson Place. Most recently, on Monday February 14, 2011, your Guardian *ad Litem* personally met with the Respondent at Donelson Place to discuss the status of this matter. The Respondent was vocal and adamantly insisted that she did not want a Conservatorship established and that she merely wanted to return to live in her own home. She also chose not to cooperate with your Guardian *ad Litem* by refusing to answer questions during the meeting. The Respondent stated that Dr. D'Amico was "*lying in his report because I don't need any help, and I can take care of myself*". Further, the Respondent advised that she had recently called the Office of President Obama in Washington, D.C. and that the woman she spoke with in the President's office had told her "*they won't take your house from you*". Thereafter, the Respondent stated that "*if you take my house, you might as well take a gun and shoot me dead in the courtroom*". Based upon the foregoing statements, it is obvious that the Respondent will not accept the notion that she may require the assistance of a fiduciary to provide for her well-being.

30. On Wednesday September 22, 2010, Friday October 8, 2010, and on Monday February 14, 2011, your Guardian *ad Litem* conducted personal and/or telephone conferences with the Respondent's friend, Ms. Margie Inman, regarding the Respondent's history, condition and treatment plan. Ms. Inman disclosed pertinent information regarding Respondent's family, medical and social history. Ms. Inman stated that she believed the only reason the Petitioners, Kim Patrick and Terry Patrick, filed this Petition was because "*they thought she (Respondent) was dying and they wanted to obtain her property*." Further, Ms. Inman advised that she felt that the Temporary Conservator, Greater Nashville Regional Council, was not providing the level of services needed to adequately and properly care for the Respondent under the circumstances. More significantly, Ms. Inman acknowledged that she did not think the Respondent was capable of living in her own home, but she also indicated that if she were appointed as the Conservator, she "*would let Ms. Tinnon return to live in her own house so she could discover her limitations; then I would either have her move in with me or place her in an assisted living facility*."

Ms. Inman acknowledged that she understood the fiduciary responsibilities in this matter; and she confirmed her willingness to serve as Conservator for the Respondent if she were to be so appointed by the Court.

31. Due to the progressive nature of her illness, her advanced age and her prognosis, Respondent will require assistance with her care, medication and supervision throughout the remainder of her life. Respondent apparently lacks capacity to consent to medical examinations and/or treatment; she does not appear to be capable of living independently without some level of supervision; nor does she seem able to independently and adequately manage her personal and/or financial affairs. Based upon the foregoing circumstances, Respondent does appear to be in need of a Conservator to act on her behalf.

32. In the event that Respondent's behavior can be adequately managed with supervisory assistance, then she may be reasonably capable of attending the final hearing of this cause.

33. The Petitioners have not submitted a Proposed Property Management Plan with the instant Petition. Accordingly, your Guardian *ad Litem* is not currently able to comment regarding the future care, placement, financial plans, government assistance or residential treatment options that may become available for the benefit of your Respondent.

Recommendations:

1. I recommend that the Petitioners, Mr. Kim Patrick and Mr. Terry Patrick, Respondent's grandsons, should not be appointed to serve as Co-Conservators of the person and estate of their grandmother, Mrs. Jewell S. Tinnon; rather, it is recommended that The Greater Nashville Regional Council, (presently serving as Temporary Conservator), be appointed as Conservator of the person and estate of the Respondent, Mrs. Jewell S. Tinnon; and that the Conservator should gather the estate of the Respondent and file an inventory of said estate within sixty (60) days of appointment. Further, it is recommended that the Conservator be required to

prepare and file an annual inventory and accounting report with this Court describing the activities and/or actions performed on behalf of your Respondent; and that said report be filed at least once every twelve (12) months after the effective date of the said appointment.

I also recommend that the other interested parties and/or friends of the Respondent, including Mrs. Beverly Chatman, Mr. Michael Chatman and Ms. Margie Inman, respectively, who have previously expressed to the Court their desire to be appointed as Conservator(s) in this cause, should not be appointed to serve in any fiduciary capacity in the Conservatorship of the person and/or estate of the Respondent, Mrs. Jewell S. Tinnon.

2. That the proposed Conservator be required to submit a comprehensive Property Management Plan for review and approval by the Court which will make adequate provision for the following: the management and disposition of Respondent's assets, including her real property and personal property; the residential placement of Respondent; the acquisition of appropriate government assistance, health care benefits and/or disability benefits for Respondent; and further, to assure that all of Respondent's available economic resources are used to adequately and properly provide for the anticipated long-term care, treatment and living expenses of your Respondent.

3. That the Conservator be required to execute the Oath of Fiduciary; and further, that the Conservator be required to purchase and maintain, in full force and effect, a Surety Bond in an appropriate amount to be established by this Honorable Court. This recommendation is based upon the need to conserve the Respondent's financial estate in order to provide for her anticipated long-term medical and residential care.

4. That any and all Powers of Attorney previously executed by Respondent, if any, be revoked and decreed void at the final hearing of this cause.

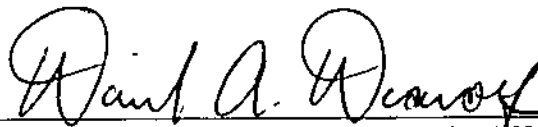
5. That the Tennessee driver's license of your Respondent, if any, be immediately rescinded and revoked by the Court; and further, that the Conservator be required to notify the Tennessee Department of Safety of this Order and to surrender Respondent's license, as provided by law.

6. That Respondent should be transported by her medical care providers and/or family members to the Courthouse, and that Respondent should be permitted to appear and be present at the final hearing of this cause so long as she does not presently exhibit any medical and/or physical problems which could exacerbate the symptoms of her illness or otherwise disrupt the court proceedings.

7. That costs, attorneys' fees, Attorney *ad Litem* fees and Guardian *ad Litem* fees be awarded from the estate of your Respondent, Jewell S. Tinnon; or alternatively, paid by Petitioners, Kim Patrick and Terry Patrick, as provided by law.

8. That your Respondent be granted any other and or further general relief which the Court may deem appropriate.

RESPECTFULLY SUBMITTED,



DAVID A. DEAROLF No. 16056
Guardian *ad Litem* for Jewell S. Tinnon
2808 Lealto Court, Suite 100
Nashville, Tennessee 37214
(615) 883-5775

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing Interim Report of Guardian *Ad Litem* has been forwarded via First-Class U.S. Mail, postage prepaid, and/or via Fax, and/or via hand-delivery, to the following interested parties, on this the **15th** day of February, 2011.

Mr. Kim Patrick (Petitioner/Grandson of Respondent/Proposed Conservator)
3109 Curtis Street
Nashville, Tennessee 37218

Mr. Terry Patrick (Petitioner/Grandson of Respondent/Proposed Conservator)
3110 Curtis Street
Nashville, Tennessee 37218

Mrs. Jewell S. Tinnon (Respondent)
c/o The Donelson Place Care & Rehabilitation Center
2733 McCampbell Avenue
Nashville, Tennessee 37214

Ms. JoAnn Gaye (Sister of Respondent)
4108 Elena Way
Woodstock, Georgia 30188

Ms. Margie Inman (Friend of Respondent)
939 Sharpe Avenue
Nashville, Tennessee 37206

Mrs. Beverly Chatman & Mr. Michael Chatman (Friends of Respondent)
1865 Lakewood Village Drive
Antioch, Tennessee 37013

Karl D. Warden, Esquire (Attorney *ad Litem* for Respondent)
One Washington Square, Suite 103
214 Second Avenue North
Nashville, Tennessee 37201

Greater Nashville Regional Council (Temporary Conservator for Respondent)
c/o A. Michelle Poss, Esquire
201 Fourth Avenue North, Suite 1450
Nashville, Tennessee 37219

R.A. Stewart, Esquire (Attorney for Petitioners)
1223 Fifth Avenue North
Nashville, Tennessee 37208


DAVID A. DEAROLF